

# Notice of Allowability

Application No.

10/645,368

Examiner-

Ruth C. Rodriguez

Applicant(s)

ROGERS, JAMES RAY

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication filed 22 October 2007.
2. ☒ The allowed claim(s) is/are 1,2,5,6,9-14 and 16.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |                                                                                                            |                                                                                                  |
|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 5. <input type="checkbox"/> Notice of Informal Patent Application                                |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance             |
|                                                                                                            | 9. <input type="checkbox"/> Other _____                                                          |

*Katherine Mitchell*  
*KATHERINE MITCHELL*  
*Primary Examiner 3677*

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kit M. Stetina on 02 November 2007.

The application has been amended as follows:

Claims 3, 4, 7, 8 and 17-24 have been canceled.

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance:

Gould teaches an accessory device comprises an attaching unit. The attaching unit includes a base unit (10) and a snap-on unit (18). The base unit has a bottom plate (10). The base unit includes a slot (12) recessed from a periphery of the bottom plate. The bottom plate is slidable underneath a button (Figs. 1-8). The base unit has a lower

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latching unit (24) protruding from the bottom plate. The snap-on unit has an upper latching structure (28) on the interior of a periphery of the snap on Unit engaging with the lower latching unit of the bottom plate. (Figs. 1-8). Gould fails to disclose that a display object is attached to the snap on-unit of the base unit and that the lower latching structure includes an opening aligned with the slot. Herman teaches an accessory device (1206) comprises a snap-on unit (1208) having an upper latching structure on the interior of a periphery of the snap-on unit (Fig. 52) and a display unit attached to the snap-on unit of the base unit (Fig. 52). The accessory object allows having one or more interchangeable ornamentations being placed over a button (C. 15, L. 49-67 and C. 16, L. 1-15). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a display object is attached to the snap on-unit of the base unit as taught by Herman in the accessory device disclosed by Gould.

Doing so, allows the use of one or more interchangeable ornamentations being placed over a button. However, Gould and Herman fail to disclose that the lower latching structure includes an opening aligned with the slot. Accordingly, it would not have been obvious to one having ordinary skill in the art at the time the invention was made to have a bottom plate including a slot recessed from a periphery of the bottom plate and a lower latching unit protruding from the bottom plate that also includes an opening aligned with the slot since Gould discloses that the lower latching structure comprises two pins and the pins do not include an opening aligned with the slot.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C. Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

/RCR/  
Ruth C. Rodriguez  
Patent Examiner  
Art Unit 3677

rcr  
November 5, 2007

*Katherine Mitchell*  
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